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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 30TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR. JUSTICE V.GOPALA GOWDA

WRIT PETITION NO.435/1997

BETWEEN:-

Kirloskar Electric Company Ltd.,
a Company incorporated under the
Companies Act, 1956 and having its
Office at Industrial Suburb,
Rajajinagar, Bangalore-560 010,
represented by its Company Secretary
and Associate Vic-President,
Mr.H.L.Shankaranarayana Rao,
Aged 54 years,
Son of Sri.H.B.Lakshminarayana Rao
Residing at Bangalore.

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..PETITIONER

(By Sri K.V.Bhuvanendra, Advocate)

AND:-

Bangalore Development Authority,
having its Office at Kumara Park West,
Chowdaiah Road,
Bangalore-560 020,
by its Commissioner.

...RESPONDENT

(By Sri R.S.Hegde, Advocate)

This W.P. filed u/a 226 of the Constitution of
India praying to Quash Annex-C dt.9.3.96 and Ann-E
dt.21.11.96 and etc.

This W.P. coming on for hearing, this day,
the Court made the following:-

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Learned Counsel for the petitioner fairly submits that, the questions raised in this Writ petition is covered by the Judgment of this Court in W.P.Nos.3624-3745/97 DD 31.3.1997.

2. Following the aforesaid decision and for the reasons mentioned therein, the petition is partly allowed. Demand notice dated 9.3.1996 and dated 21.11.1996 vide Annexure-C and E are hereby quashed.

3. However, the Bangalore Development Authority is at liberty to re-work and fix the final price of the house in question based on actual cost in accordance with law keeping in view the observations made in the order passed in the writ petition referred to above. If they are entitled to enhance the escalation charges for the property over and above the price collected from the petitioner, such

a demand if any, shall be made within a period of four months from the date of receipt of this order.

4. Further, prayer relating to registration of the property in question in favour of the petitioner is not pressed hence the same is rejected.

No costs.

Sd/-
JUDGE



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